

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

Call to Order:

CHAIRMAN GALEN HOLLENBAUGH, on January 15, 2009 at 8:34 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Galen Hollenbaugh, Chairman (D)
Sen. Rick Ripley, Vice Chairman (R)
Rep. Duane Ankney (R)
Sen. John Brenden (R)
Rep. Llew Jones (R)
Rep. Robert Mehlhoff (D)
Sen. Mitch Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: James Chamberlain, OBPP
Tyrrell Hibbard, Committee Secretary
Barbara Smith, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: Department of Natural Resources and
Conservation (DNRC) decision
packages, HB 2; 1/12/09

Executive Action: DNRC DPs

00:00:08 Ms. Smith
EXHIBIT(jnh09a01)
00:01:16 Sen. Ripley
00:01:26 Chairman Galen Hollenbaugh
00:01:44 Mr. Chamberlain
00:02:42 Chairman Hollenbaugh

EXECUTIVE ACTION ON DNRC

00:03:54 Ms. Smith
00:04:38 **Motion/Vote:** Chairman Hollenbaugh moved that **DP 2401 BE ADOPTED.** Motion carried unanimously by voice vote.
00:04:54 Ms. Smith
00:05:40 **Motion/Vote:** Chairman Hollenbaugh moved that **WATER RESOURCE LANGUAGE CHANGE from DP 2450 BE ADOPTED.** Motion carried unanimously by voice vote.
00:07:26 Ms. Smith
00:08:33 Sen. Ripley
00:09:50 Chairman Hollenbaugh
00:10:26 Ms. Smith
00:10:57 Chairman Hollenbaugh
00:11:04 **Motion/Vote:** Chairman Hollenbaugh moved **DP 2550 WITH CONTINGENT LANGUAGE BE ADOPTED.** Motion failed, 3-4 by roll call vote with Sen. Brenden, Rep. Ankney, Rep. Jones, Sen. Ripley voting no.
00:12:34 **Motion:** REP. Ankney moved that **DP 2250 BE ADOPTED.**

Discussion:

00:13:20 Sen. Mitch Tropila
00:14:20 Rep. Robert Mehlhoff
00:15:14 Sen. Ripley
00:15:58 Tom Richmond, Montana Board of Oil and Gas Conservation
00:17:56 Rep. Mehlhoff
00:18:04 Mr. Richmond
00:18:12 Mr. Chamberlain
00:18:55 Mr. Richmond
00:19:23 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT DP 2250, ONE TIME ONLY.** Motion carried unanimously by voice vote.

00:20:32 **Motion:** by Rep. Llew Jones moved **TO ADOPT DP 2251, ONE TIME ONLY.**

Discussion:

00:20:34 Ms. Smith
00:21:11 Sen. Tropila
00:21:22 Mr. Richmond
00:22:00 Sen. Tropila
00:22:09 Rep. Jones

00:22:23 **Vote:** Motion carried unanimously by voice vote.

00:23:06 Ms. Smith

00:23:28 **Motion/Vote:** Sen. Ripley moved that **DP 2101 BE ADOPTED.** Motion carried 6-1 by voice vote, Sen. Brenden voting no.

00:24:19 Ms. Smith

00:24:30 **Motion/Vote:** Sen. Tropila moved **DP 2102 BE ADOPTED.** Motion passed 6-1 by voice vote, Sen. Ripley in opposition.

00:25:05 Ms. Smith

00:25:24 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT DP 2151.** Motion carried unanimously by voice vote.

00:25:51 Ms. Smith

00:26:08 **Motion/Vote:** Sen. Ripley moved that **DP 2201 BE ADOPTED.** Motion carried unanimously by voice vote.

00:26:33 Ms. Smith

00:26:50 **Motion/Vote:** Rep. Mehlhoff moved **DP 2202 BE ADOPTED.** Motion carried unanimously by voice vote.

00:27:16 Ms. Smith

00:27:34 **Motion/Vote:** Rep. Jones moved that **DP 2204 BE ADOPTED.** Motion carried unanimously by voice vote.

00:28:00 Ms. Smith

00:28:05 **Motion:** Rep. Ankney moved that **DP 2206 BE ADOPTED.**

Discussion:

00:28:13 Sen. Ripley

00:28:48 **Vote:** Motion carried by voice vote, 6-1, with Sen. Brenden voting no.

00:29:08 Ms. Smith
00:29:41 **Motion:** Sen. Tropila moved that **DP 2301 BE ADOPTED.**

Discussion:

00:29:50 Rep. Mehlhoff
00:31:33 Chairman Hollenbaugh
00:32:15 Mr. Chamberlain
00:32:43 Sen. Brenden
00:33:05 Sen. Ripley
00:33:09 Sen. Brenden
00:33:23 Sen. Ripley
00:33:37 Rep. Ankney
00:34:06 Chairman Hollenbaugh
00:34:10 Ann Bauchman, Administrator, Centralized Services
Division, DNRC
00:34:58 Sen. Brenden
00:35:25 Sen. Ripley
00:36:07 Chairman Hollenbaugh
00:37:01 Rep. Mehlhoff
00:37:39 Rep. Jones
00:39:31 Chairman Hollenbaugh

00:39:55 **Vote:** Motion carried by unanimous voice vote.

00:40:15 Ms. Smith
00:40:26 **Motion/Vote:** Sen. Brenden moved **DP 2302 BE ADOPTED.**
Motion carried unanimously by voice vote.

00:40:52 Ms. Smith
00:41:10 **Motion/Vote:** Sen. Brenden moved that **DP 2303 BE
ADOPTED.** Motion passed 6-1 by voice vote, with Rep.
Ankney in opposition.

00:41:43 Ms. Smith
00:41:55 **Motion/Vote:** Rep. Mehlhoff moved **DP 2304 BE ADOPTED.**

Discussion:

00:42:11 **Motion/Vote:** Sen. Ripley moved **TO ADOPT DP 2304, ONE
TIME ONLY AND RESTRICTED.** Motion carried unanimously
by voice vote.

00:42:42 Sen. Tropila
00:43:15 Ms. Smith

00:43:43 Ms. Smith
00:43:55 **Motion:** Rep. Mehlhoff moved **DP 2305 BE ADOPTED.**

Discussion:

00:44:09 Sen. Brenden
00:44:17 Ms. Smith
00:44:39 Ray Beck, Administrator, Conservation and Resource
Development Division, DNRC
00:44:52 Sen. Brenden

00:45:26 **Vote:** Motion carried by unanimous voice vote.

00:45:40 Ms. Smith
00:46:30 **Motion:** Rep. Mehlhoff moved that **DP 2307 BE ADOPTED.**

Discussion:

00:46:42 Sen. Ripley
00:46:52 Ms. Smith

00:47:41 **Vote:** Motion failed by roll call vote, with Sen.
Brenden, Rep. Ankney, Rep. Jones, and Sen. Ripley
voting no.

00:48:52 Ms. Smith
00:49:16 **Motion:** Sen. Tropila moved **DP 2308 BE ADOPTED.**

Discussion:

00:49:32 Mary Sexton, Director, DNRC
00:49:39 Sen. Tropila
00:50:23 Ms. Sexton
00:50:37 Sen. Tropila
00:51:04 Ms. Sexton
00:51:09 Sen. Brenden
00:51:21 Sen. Tropila
00:52:00 Ms. Smith
00:52:18 Chairman Hollenbaugh
00:52:30 Sen. Ripley
00:53:02 Rep. Mehlhoff

00:53:22 **Substitute Motion:** Sen. Brenden moved **TO AMEND DP 2308
AS ONE TIME ONLY AND RESTRICTED.**

00:53:36 Chairman Hollenbaugh
00:53:56 Sen. Tropila
00:54:25 Rep. Mehlhoff
00:54:47 Ms. Smith
00:55:17 Rep. Mehlhoff
00:55:38 Ms. Smith

00:55:52 Rep. Mehlhoff
00:56:24 Chairman Hollenbaugh
00:56:39 Ms. Smith
00:56:56 Chairman Hollenbaugh

00:57:45 **Vote:** Sen. Brenden's substitute motion passed by roll call vote, with Sen. Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh voting no.

00:59:11 **Vote:** Motion fails 3-4 by roll call vote, with Sen. Brenden, Rep. Ankney, and Rep. Jones voting aye.

01:00:02 Ms. Smith
01:01:16 Chairman Hollenbaugh
01:01:45 Mr. Beck
01:02:00 Ms. Smith
01:02:10 Chairman Hollenbaugh

01:02:28 **Motion/Vote:** Rep. Ankney moved **OPTION 1 OF LANGUAGE AND STATUTORY AUTHORITY ON PAGE C-266 OF BUDGET ANALYSIS BE ADOPTED.** Motion carried unanimously by voice vote.

01:02:58 **Motion:** Sen. Tropila moved **DP 2306 BE ADOPTED.**

Discussion:

01:03:12 Chairman Hollenbaugh
01:04:05 Sen. Tropila
01:04:32 Chairman Hollenbaugh
01:04:44 Sen. Tropila
01:05:00 Sen. Brenden
01:05:45 Ms. Sexton
01:06:15 Sen. Tropila
01:06:49 Sen. Ripley
01:07:14 Mr. Chamberlain

01:07:30 **Vote:** Motion carried unanimously by voice vote.

01:07:54 Ms. Smith
01:08:47 **Motion/Vote:** Rep. Jones moved **OPTION 2 OF LANGUAGE AND STATUTORY AUTHORITY ON PAGE C-266 OF BUDGET ANALYSIS BE ADOPTED.** Motion carried unanimously by voice vote.

01:09:17 Rep. Mehlhoff leaves hearing.

01:09:23 Ms. Smith

01:09:39 **Motion/Vote:** Sen. Ripley moved **OPTION 3 OF LANGUAGE AND STATUTORY AUTHORITY ON PAGE C-266 OF BUDGET ANALYSIS BE ADOPTED.** Motion carried unanimously by voice vote.

01:10:30 Ms. Smith

01:10:43 **Motion/Vote:** Sen. Brenden moved **OPTION 4 OF LANGUAGE AND STATUTORY AUTHORITY ON PAGE C-266 OF BUDGET ANALYSIS BE ADOPTED.** Motion carried unanimously by voice vote.

01:11:16 Chairman Hollenbaugh

01:11:43 Break

01:21:54 Reconvene. Rep. Mehlhoff present.

01:22:42 Rep. Jones

01:22:52 Rep. Ankney

01:22:56 Chairman Hollenbaugh

01:23:42 Ms. Smith

01:24:21 Rep. Mehlhoff

01:24:23 Ms. Smith

01:26:31 Rep. Mehlhoff

01:26:47 Sen. Brenden

01:26:54 Ms. Smith

01:27:20 Chairman Hollenbaugh

01:27:49 Ms. Smith

01:28:06 **Motion:** Chairman Hollenbaugh moved **DP 2550 BE ADOPTED.**

Discussion:

01:28:37 Rep. Mehlhoff

01:28:52 Chairman Hollenbaugh

01:29:25 **Vote:** Motion carried unanimously by voice vote.

01:30:01 Chairman Hollenbaugh

01:30:14 Ms. Smith

01:30:40 **Motion/Vote:** Sen. Ripley moved **DP 2402 BE ADOPTED.** Motion carried unanimously by voice vote.

01:31:08 Ms. Smith

01:31:28 **Motion/Vote:** Sen. Tropila moved **DP 2403 BE ADOPTED.** Motion carried unanimously by voice vote.

01:31:54 Ms. Smith

01:32:32 **Motion/Vote:** Sen. Ripley moved **DP 2451 BE ADOPTED.** Motion carried unanimously by voice vote.

01:32:58 Ms. Smith
01:33:31 Rep. Mehlhoff
01:33:48 Ms. Smith
01:34:07 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT STATUTORY LANGUAGE POINT NUMBER ONE ON PAGE C-274 OF BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

01:34:29 **Motion/Vote:** Sen. Brenden moved **TO ADOPT STATUTORY LANGUAGE POINT NUMBER TWO ON PAGE C-274 OF BUDGET ANALYSIS.** Motion carried unanimously by voice vote.

01:34:51 Ms. Smith
01:35:29 Chairman Hollenbaugh
01:35:40 **Motion:** Sen. Tropila moved **DP 3501 BE ADOPTED.**

Discussion:

01:35:50 Sen. Brenden
01:36:00 Ms. Smith

01:36:21 **Vote:** Motion carried unanimously by voice vote.

01:36:33 Ms. Smith
01:36:44 **Motion/Vote:** Sen. Ripley moved **DP 3503 WITH CHANGE IN FUNDING AS IN EXHIBIT (1) BE ADOPTED.** Motion carried unanimously by voice vote.

01:37:15 Ms. Smith
01:37:25 **Motion:** Sen. Ripley moved **DP 3504 WITH CHANGE IN FUNDING AS IN EXHIBIT (1) BE ADOPTED.**

01:37:55 Ms. Smith
01:38:11 Chairman Hollenbaugh
01:38:18 **Vote:** Motion carried unanimously by voice vote.

01:38:30 Ms. Smith
01:38:47 **Motion/Vote:** Sen. Tropila moved **DP 3521 BE ADOPTED.** Motion carried unanimously by voice vote.

01:39:08 Rep. Mehlhoff

01:39:40 Ms. Smith
01:39:55 **Motion/Vote:** Sen. Brenden moved **DP 3523 BE ADOPTED.** Motion carried unanimously by voice vote.

01:40:12 Ms. Smith
01:40:28 **Motion/Vote:** Rep. Mehlhoff moved **DP 3552 BE ADOPTED.** Motion carried unanimously by voice vote.

01:40:48 Ms. Smith
01:40:58 **Motion/Vote:** Sen. Ripley moved **DP 3553 BE ADOPTED.**
Motion carried 6-1 by voice vote, Sen. Brenden voting
no.

01:41:21 Ms. Smith
01:41:39 **Motion/Vote:** Sen. Tropila moved **DP 3554 BE ADOPTED.**
Motion carried 6-1 by voice vote, Sen. Brenden voting
no.

01:42:03 Ms. Smith
01:42:19 **Motion/Vote:** Sen. Ripley moved **DP 3522 BE ADOPTED AS
ONE TIME ONLY AND RESTRICTED.** Motion carried 6-1 by
voice vote, Sen. Brenden voting no.

01:42:47 Ms. Smith
01:43:06 **Motion/Vote:** Sen. Ripley moved **DP 3524 BE ADOPTED AS
ONE TIME ONLY AND RESTRICTED.** Motion carried 6-1 by
voice vote, Sen. Brenden opposed.

01:43:38 Ms. Smith
01:43:58 Chairman Hollenbaugh
01:44:03 **Motion:** Sen. Tropila moved **DP 3504 BE ADOPTED.**

Discussion:

01:44:23 Sen. Brenden
01:44:27 Ms. Smith
01:44:32 Sen. Brenden
01:45:09 Chairman Hollenbaugh
01:45:14 Ms. Smith
01:45:33 Sen. Brenden
01:45:49 **Motion:** Sen. Brenden moved **TO AMEND DP 3504 TO BE
CONTINGENT ON \$5 PER GALLON AVIATION FUEL.**

01:46:39 Ms. Smith
01:46:42 Rep. Mehlhoff
01:47:13 Amy Sassano, Governor's Budget Office
01:47:51 Sen. Brenden withdraws amendment.
01:48:07 Chairman Hollenbaugh

01:48:19 **Vote:** Motion carries unanimously by voice vote.

01:48:34 Ms. Smith
01:48:53 **Motion:** Rep. Mehlhoff moved **DP 3502 BE ADOPTED.**

Discussion:

01:49:11 Rep. Mehlhoff

01:49:26 Ms. Smith

01:49:32 **Vote:** Motion carried unanimously by voice vote.

01:49:53 **Motion:** Sen. Ripley moved **TO REMOVE FUNDING FOR
POSITIONS THAT HAVE BEEN VACANT LONGER THAN 12 MONTHS.**

Discussion:

01:50:10 Ms. Smith

01:51:32 Sen. Ripley

01:51:43 Ms. Smith

01:52:05 Sen. Ripley

01:52:14 Ms. Smith

01:53:25 Chairman Hollenbaugh

01:53:34 Ms. Smith

01:53:59 Rep. Mehlhoff

01:54:06 Ms. Smith

01:54:31 Rep. Mehlhoff

01:55:23 Sen. Tropila

01:56:31 Sen. Ripley

01:57:56 Rep. Mehlhoff

01:58:12 Chairman Hollenbaugh

01:58:18 Sen. Brenden

01:59:14 Rep. Mehlhoff

01:59:26 Ms. Bauchman

02:01:03 Sen. Ripley

02:01:15 Ms. Smith

02:01:55 Sen. Ripley

02:02:08 Sen. Brenden

02:02:31 Sen. Tropila

02:02:52 Ms. Smith

02:02:54 Sen. Tropila

02:03:53 Rep. Mehlhoff

02:03:59 Chairman Hollenbaugh

02:04:15 **Vote:** Motion carried 4-3 by roll call vote, Sen.
Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh voting
no.

02:05:31 Ms. Smith

02:05:51 Chairman Hollenbaugh

02:06:22 Ms. Sassano

02:10:31 Chairman Hollenbaugh

02:11:08 Sen. Brenden

02:11:17 Ms. Smith

02:11:23 Chairman Hollenbaugh

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ADJOURNMENT

02:11:41 Adjournment: 10:45 A.M.

TYRRELL HIBBARD, Secretary

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Additional Documents:

EXHIBIT ([jnh09aad.pdf](#))